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09/429,406	10/26/1999	JAMES M. BROWN	000029	5890
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QUALCOMM INCORPORATED			WILSON, ROBERT W	
5775 MOREHOUSE DR.				
SAN DIEGO, CA 92121			ART UNIT	PAPER NUMBER
			2619	
			NOTIFICATION DATE	DELIVERY MODE
			04/15/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/429,406	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ROBERT W. WILSON	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 18-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18-20 and 23-44 is/are rejected.
- 7) Claim(s) 21-22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .                                                        | 6) <input type="checkbox"/> Other: _____ .                        |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18, 19, 20, 23, 24, 26, 29, 30-39, 41-42, & 44 are rejected under 35

U.S.C. 102(E) as being anticipated by Meyer (U.S. Patent No.; 6,700,902).

Referring to claim 18, Meyer teaches: An transmitter (transmitter/receiver 20 which has 21 or transmitter per Figure 4) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

a queue for storing the data frames, the data frames representing time-sensitive information (24 per Figure 4 is capable of storing string of data or data frames representing time-sensitive information per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

memory comprising a minimum segment size and a maxim segment size (24 per Fig 4 stores a minimum size and a maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67 )

a processor operable to generate a first segment corresponding to at least a portion of the time-sensitive information when a quality of the time sensitive information in the queue allows the first segment to have a first segment size between the minimum segment size and the maximum 24 per Fig 5 or processor generates a packet with first segment corresponding to sting of time sensitive data which is allowed by 24 per Fig 5 or memory and generates a packet of the string of time sensitive data per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

wherein the processor is further operable to generate a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size (24 per Fig 4 will send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

In addition Meyer teaches:

Regarding claim 19, wherein the second segment size comprises less than the minimum segment size (The String is segmented into a size which is smaller than can be used in the minimum packet size per 65a and 65B per Fig 5)

Regarding claim 20 wherein the processor is further operable to generate one or more subsequent segments after the second segment if more of the time-sensitive information is available in the queue wherein the one or more subsequent segments have any size up to the maximum segment size (24 per Fig 4 is capable of generating one or more subsequent packets containing time-sensitive information based upon availability of String data (65a per Fig 5) and sending the string data in segments up to the maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Regarding claim 23, wherein the queue is further operable to receive the respective time-sensitive information corresponding to the first segment before the respective time-sensitive information corresponding to the second segment (The processor segments the string of data into a first segment before the second segment per 65a and 65b per Fig 5)

Regarding claim 24, wherein the minimum segment size is predefined and wherein the maximum segment size is negotiated between the transmitter and receiver (24 per Fig 4 stores a minimum size and a maximum operational size. The maximum operational size is negotiated between 10 and 20 per Fig 4 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Regarding claim 26, wherein the acknowledgement message representative confirmation of receipt of a first segment by the receiver (ACK received when packet size or first segment acceptable by receiver per col. 11 line 57 to 67)

Referring to claim 29, Meyer teaches: An transmitter (transmitter/receiver 20 which has 21 or transmitter per Figure 4) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

a queue for storing the data frames, the data frames representing time-sensitive information (24 per Figure 4 is capable of storing string of data or data frames representing time-sensitive information per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67) and

memory comprising a minimum segment size and a maximum segment size and wherein the maximum segment size is negotiated between the transmitter and a receiver (24 per Fig 4 stores a minimum size and a maximum operational size. The maximum operational size is negotiated between 10 and 20 per Fig 4 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

a processor operable to generate a first segment corresponding to at least a portion of the time-sensitive information when a quality of the time sensitive information in the queue allows the first segment to have a first segment size between the minimum segment size and the maximum 24 per Fig 5 or processor generates a packet with first segment corresponding to sting of time sensitive

data which is allowed by 24 per Fig 5 or memory and generates a packet of the string of time sensitive data and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

wherein the processor is further operable to generate a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size (24 per Fig 4 will send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

wherein the processor is further operable to generate one or more subsequent segment after the second segment based on the acknowledgment message if more of the time -sensitive information is available in the queue where the one or more subsequent segment have any size up to the maximum segment size (24 per Fig 4 will send one or more strings after the second segment based upon availability of the data at the maximum operational size upon availability of data and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Referring to claim 30, Meyer teaches: An transmitter (transmitter/receiver 20 which has 21 or transmitter per Figure 4) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

Means for storing the data frames, the data frames representing time-sensitive information (24 per Figure 4 is capable of storing string of data or data frames representing time-sensitive information per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Means for storing a minimum segment size and a maxim segment size (24 per Fig 4 stores a minimum size and a maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67 )

Means for generating a first segment corresponding to at least a portion of the time-sensitive information when a quality of the time sensitive information in the queue allows the first segment to have a first segment size between the minimum segment size and the maximum 24 per Fig 5 or processor generates a packet with first segment corresponding to sting of time sensitive data which is allowed by 24 per Fig 5 or memory and generates a packet of the string of time sensitive data per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Wherein the means for generating is further operable to generate a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size (24 per Fig 4 will send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Referring to claim 31, Meyer teaches: An transmitter (transmitter/receiver 20 which has 21 or transmitter per Figure 4) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

Means for storing the data frames, the data frames representing time-sensitive information (24 per Figure 4 is capable of storing string of data or data frames representing time-sensitive information per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Means for storing a minimum segment size and a maxim segment size (24 per Fig 4 stores a minimum size and a maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67) wherein the minimum segment size is predefined and further comprising negotiating the maximum segment size with the receiver (24 per Fig 4 stores a minimum size and a maximum operational size. The maximum operational size is negotiated between 10 and 20 per Fig 4 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Means for generating a first segment corresponding to at least a portion of the time-sensitive information when a quality of the time sensitive information in the queue allows the first segment to have a first segment size between the minimum segment size and the maximum 24 per Fig 5 or processor generates a packet with first segment corresponding to sting of time sensitive data which is allowed by 24 per Fig 5 or memory and generates a packet of the string of time sensitive data per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Means for generating a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size (24 per Fig 4 will send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Generating one or more subsequent segment have any size up to the maximum segment size if more of the stored time-sensitive information is available wherein the one or more subsequent segment have any size up to the maximum segment (24 per Fig 4 will send one or more strings after the second segment based upon availability of the data at the maximum operational size upon availability of data and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Referring to claim 32, Meyer teaches: a processor (23 per Fig 4) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

At least one instruction operable to cause a transmitter to store a minimum segment size (software or instructions per col. 7 lines 39 to 47 to cause the 21 per Fig 4 or transmitter to store a minimum segment size and a maximum segment size (stores a minimum size and a maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

at least one instruction operable to cause the transmitter to generate a first segment corresponding to at least a portion of the time-sensitive information when a stored quantity of the time-sensitive information allows for the first segment to have a first segment size between the minimum segment size and the maximum segment size (software or instructions per col. 7 lines 39 to 47 to cause the 21 per Fig 4 to generate a packet with first segment corresponding to string of time sensitive data which is between the minimum segment size and the maximum segment size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

at least one instruction operable to cause the transmitter to generate a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size ( software or instructions per col. 7 lines 39 to 47 to cause the 21 per Fig 4 to send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Referring to claim 33, Meyer teaches: a method (transmitter/receiver 20 which has 21 or transmitter per Figure 4 performs the method) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

Storing a plurality of data frames, the data frames representing time-sensitive information (24 per Figure 4 stores string of data or data frames representing time-sensitive information per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Storing a minimum segment size and a maximum segment size (24 per Fig 4 stores a minimum size and a maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67 )

generating a first segment corresponding to at least a portion of the time-sensitive information when a quality of the time sensitive information in the queue allows the first segment to have a first segment size between the minimum segment size and the maximum 24 per Fig 5 or processor generates a packet with first segment corresponding to sting of time sensitive data which is allowed by 24 per Fig 5 or memory and generates a packet of the string of time sensitive data per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

generating a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size (24 per Fig 4 will send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

In addition Meyer teaches:

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Regarding claim 34, wherein the second segment size comprises less than the minimum segment size (The String is segmented into a size which is smaller than can be used in the minimum packet size per 65a and 65B per Fig 5)

Regarding claim 35 wherein the processor is further operable to generate one or more subsequent segments after the second segment if more of the time-sensitive information is available in the queue wherein the one or more subsequent segments have any size up to the maximum segment size (24 per Fig 4 is capable of generating one or more subsequent packets containing time-sensitive information based upon availability of String data (65a per Fig 5) and sending the string data in segments up to the maximum operational size per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Regarding claim 36, further comprising receiving an instruction to generate the first data segment and further comprising generating one or more subsequent after the second segment based on the acknowledgment message if more of the time – sensitive information is available in the queue wherein the one or more subsequent have any size up to the maximum segment size (23 per Fig 4 receives a software instruction to segment the string into data packets up to the maximum operational packet per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Regarding claim 37, further comprising receiving an instruction to generate the first data segment and further comprising after generating the first segment based on the instruction generating one or more subsequent segments in the acknowledgment message is not received and if a remaining stored quality of time sensitive information allows each of the one or more subsequent segments to have a respective segment is equal to or greater than the minimum segment size (23 per Fig 4 receives a software instruction to segment the string into data packets greater than the minimum size until receipt of ACK per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Regarding claim 38, receiving the respective time-sensitive information corresponding to the first segment before the respective time-sensitive information corresponding to the second segment (The processor segments the string of data into a first segment before the second segment per 65a and 65b per Fig 5)

Regarding claim 39, wherein the minimum segment size is predefined and wherein the maximum segment size is negotiated between the transmitter and receiver (24 per Fig 4 stores a minimum size and a maximum operational size. The maximum operational size is negotiated between 10 and 20 per Fig 4 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Regarding claim 41, wherein the acknowledgement message representative confirmation of receipt of a first segment by the receiver (ACK received when packet size or first segment acceptable by receiver per col. 11 line 57 to 67)

Regarding claim 43, further comprising generating the plurality of frames representing the time-sensitive information (Strings are time sensitive information which are segmented and created into a plurality of frames per Fig 5)

Referring to claim 44, Meyer teaches: a method (transmitter/receiver 20 which has 21 or transmitter per Figure 4 which performs the method) for generating at least one segment of time-sensitive information (string of data or 65A per Figure 5) comprising:

storing the data frames, the data frames representing time-sensitive information (24 per Figure 4 is stores string of data or data frames representing time-sensitive information per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67) nd

storing minimum segment size and a maximum segment size and wherein the maximum segment size is negotiated between the transmitter and a receiver (24 per Fig 4 stores a minimum size and a maximum operational size. The maximum operational size is negotiated between 10 and 20 per Fig 4 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

generating a first segment corresponding to at least a portion of the time-sensitive information when a quality of the time sensitive information in the queue allows the first segment to have a first segment size between the minimum segment size and the maximum (24 per Fig 5 or processor generates a packet with first segment corresponding to sting of time sensitive data which is allowed by 24 per Fig 5 or memory and generates a packet of the string of time sensitive data and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

generate a second segment corresponding to at least another portion of the time-sensitive information upon receipt of an acknowledgement message from a receiver wherein the second segment size comprises a second segment size up to the maximum segment size (24 per Fig 4 will send packet with a string of time sensitive data up to the size which corresponds to the maximum operational size packet which has been determined by receipt of the ACK and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

generate one or more subsequent segment after the second segment based on the acknowledgment message if more of the time –sensitive information is available in the queue where the one or more subsequent segment have any size up to the maximum segment size (24 per Fig 4 will send one or more strings after the second segment based upon availability of the data at the maximum operational size upon availability of data and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25, 27-28, 40, & 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (U.S. Patent No.; 6,700,902) in view of Barany (U.S. Patent No.: 6,434,140) .

Referring to claim 25, Meyer teaches: the transmitter of claim 18 and wherein both the first segment and the second segment comprises a packet (String is segmented into first and second segments which are used to create packet respectively per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Meyers does not expressly call for: data packet representing audio information or video information.

Barany teaches: data packet representing audio information per col. 4 lines 33 to 49

It would have been obvious to one of ordinary skill in the art at the time of the invention to add data packet representing audio information of Barany into the wireless packet of Meyers in order to send voice packets over a wireless link.

Referring to claim 27, Meyer teaches: the transmitter of claim 18

Meyers does not expressly call for: a vocoder to generating the plurality of data frames representing the time-sensitive information

Barany teaches: a vocoder to generating the plurality of data frames representing the time-sensitive information per col. 4 lines 33 to 49

It would have been obvious to one of ordinary skill in the art at the time of the invention to add a vocoder to generating the plurality of data frames representing the time-sensitive information Barany into the string of Meyers in order to send voice packets over a wireless link.

Referring to claim 28, Meyer teaches: the transmitter of claim 18

Meyers does not expressly call for: analog to digital converter operable to digitize the time-sensitive information

Barany teaches: analog to digital converter operable to digitize the time-sensitive information (vocoder converts analog voice into packets per col. 4 lines 33 to 49)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add analog to digital converter operable to digitize the time-sensitive information Barany into the string of Meyers in order to send voice packets over a wireless link.

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Referring to claim 40, Meyer teaches: the method of claim 33 and wherein both the first segment and the second segment comprises a packet (String is segmented into first and second segments which are used to create packet respectively per Figure 5 and per col. 9 line 16 to col. 10 line 37 and per col. 11 lines 9 to 67)

Meyers does not expressly call for: data packet representing audio information or video information.

Barany teaches: data packet representing audio information (data packet representing voice of audio per col. 4 lines 33 to 49)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add data packet representing audio information of Barany into the wireless packet of Meyers in order to send voice packets over a wireless link.

Referring to claim 43, Meyer teaches: the method of claim 33

Meyers does not expressly call for: digitizing the time sensitive information

Barany teaches: digitize the time-sensitive information (digitizing voice from analog via vocoder per col. 4 lines 33 to 49)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add digitize the time-sensitive information Barany in place of the string of Meyers in order to send voice packets over a wireless link.

### ***Claim Objections***

5. Claims 18-30 & 32 are objected to because of the following informalities: The examiner objects to the usage of "operable to" and "further operable to" in claims 18, 20, 21, 22, 23, 27, 28, 29, 30, & 32 because "operable to" and "further operable to" can be interpreted as a intended use and not a positive recitation of a claim limitation. The examiner recommends that the applicant amend to cite a positive claim recitation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 is directed to a processor; however, the applicant is claiming instructions. It is unclear to the examiner whether the applicant is claiming a processor or the applicant is claiming software; therefore, the claim is indefinite.

*Response to Amendment*

8. Applicant's arguments with respect to claims 18-44 have been considered but are moot in view of the new ground(s) of rejection. Please note that the examiner respectfully disagrees with the applicant argument that the reference Meyers does not teach transmitter or processor or method for generating a time-sensitive information having a first segment size between a minimum and maximum segment size. Meyer clearly teaches sending packets which are made up of time sensitive data or strings which are segmented and sent in packets between a minimum packet size and maximum operational packet size. Please refer to the above rejection for more details.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/

/Robert W Wilson/  
Primary Examiner, Art Unit 2619

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